

DOCKET FILE COPY ORIGINAL

ORIGINAL

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

MAR 29 1996

In the Matter of )  
 )  
IMPROVING COMMISSION PROCESSES )

PP Docket No. 96-17

**REPLY COMMENTS OF BELL ATLANTIC NYNEX MOBILE, INC.**

Bell Atlantic NYNEX Mobile, Inc. (BANM),<sup>1</sup> by its attorneys, submits these Reply Comments on the Commission's Notice of Inquiry (FCC 96-50, February 14, 1996), and in support of the Comments of AirTouch Communications, Inc.-U S WEST New Vector Group, Inc., and the Comments of SBC Communications Inc. concerning the Wireless Telecommunications Bureau.

AirTouch-New Vector and SBC recommend that the Bureau consolidate applications for transfers of cellular and other Part 22 licenses with transfers of associated Part 21 point-to-point microwave stations. AirTouch-New Vector also ask that the Bureau replace the current pro forma transfer application process with a notice procedure. AirTouch-New Vector Comments at 3-9; SBC Comments at 21.

BANM endorses these changes. They would achieve the goals of this proceeding by significantly reducing paperwork burdens on licensees and the Commission, saving numerous hours of Commission staff time, and enabling

---

<sup>1</sup>Bell Atlantic NYNEX Mobile, Inc. is the managing general partner of Celco Partnership, which holds or controls cellular radiotelephone licenses to provide service to more than 80 cellular markets throughout the United States.

026

a single office at the Commission to process transfers. These reforms would streamline and expedite processing of applications and thereby improve service to the public.

Consolidation of Part 22 and Part 21 Transfers. Currently, parties to a transfer of a cellular or other Part 22 license which has associated Part 21 microwave stations must file a Form 490 for the Part 22 license which is processed by the Wireless Bureau in Washington, D.C., and a separate Form 702 or 704 for the Part 21 licenses which is processed by the Bureau in Gettysburg. In addition to the significant differences in the information called for by these forms, and the added paperwork burdens on licensees and the Commission, this dual-track system precludes rapid, coordinated action on applications, often forcing parties to defer closing because one of multiple applications has not been granted. The Mass Media Bureau uses forms and procedures to transfer together the licenses issued under different services.<sup>2</sup> The Wireless Bureau should adopt this system. The Form 490 can easily be modified to ask for the call signs of Part 21 licenses to be transferred as well as the Part 22 call signs already listed, and action on the Part 22 license transfer would simultaneously include action on the Part 21 licenses.

Pro Forma Transfers. BANM also supports AirTouch-New Vector's proposal to replace the current pro forma application process with a notification system. These transfers often involve no more than creation of a separate subsidiary or a

---

<sup>2</sup>Transfers of Part 73 broadcast stations and Part 74 auxiliary stations used with the main broadcast station are filed on a single application form listing all Part 73 and Part 74 stations being transferred.

change of entities with no change in ultimate control, but the same application that is required for transfers of licenses to unaffiliated entities must nonetheless be filed. There is no need for prior application here; notice of a pro forma transfer should be sufficient. The parties to the transfer will retain the obligation to determine that the transaction is pro forma.<sup>3</sup>

The proposals of AirTouch-New Vector and SBC to improve the Part 22 transfer application process are sensible and would achieve the Commission's goals in this proceeding. They should be promptly adopted.

Respectfully submitted,

BELL ATLANTIC NYNEX MOBILE, INC.

By: John T. Scott, III  
John T. Scott, III  
CROWELL & MORING  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 624-2500

Dated: March 29, 1996

---

<sup>3</sup>The Bureau should also take the opportunity to clarify which transactions are pro forma. Instructions on FCC Form 490 are ambiguous and, for example, do not address how transfers of general or limited partnership interests are to be treated. Nor do they appear to match what constitutes a "substantial" transfer under the rules for amendments to Part 22 applications (Section 22.123), or the rules and policies of other Bureaus on pro forma transfers. Both the Mass Media Bureau and the International Bureau define pro forma transfers differently. These uncertainties cause delays in processing and require expenditure of staff time answering inquiries. Resolving them here will thus also advance the goals of this proceeding.